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September 18, 2023

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**VIA ECF**

Hon. Jennifer L. Rochon  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl St.  
New York, NY 10007-1312

Re: *Tracy L. Forrest v. New York City Housing Authority et al.*  
Case No. 1:22-CV-06480 (JLR)

**Joint Request to Stay Discovery to Pursue Mediation**

Dear Judge Rochon:

This law firm represents each of the Defendants in the above-referenced matter. We write to jointly request with the Plaintiff, Tracy L. Forrest ("Plaintiff"), a stay of discovery so that the parties may pursue private mediation of their disputes.

The parties have recently engaged in further document discovery and conducted depositions of several of the principal witnesses in this action, including Plaintiff, Defendant Haley Stein, and Defendant New York City Housing Authority's Senior Vice President of Human Resources, Nicole Van Gendt. Following the conclusion of the most recent deposition on September 15, 2023, the parties discussed the possibility of engaging a private mediator to assist with the resolution of their disputes. Yesterday, the parties substantially narrowed their settlement gap. And then earlier today, the parties agreed to pursue private mediation, provided the Court grants the parties' joint request to stay discovery pending the results of the parties' mediation efforts.

The parties make this request in furtherance of their settlement efforts and to avoid the expenditure of energies and financial resources that may otherwise be used towards a potential resolution of this matter. The parties presently have five depositions (including two non-party depositions) remaining for fact discovery. The parties anticipate that settlement will be much less likely in the event they incur the costs associated with the five remaining depositions. Accordingly, the parties respectfully request the Court order the following:

1. A stay of all discovery and other deadlines in the case management schedule until the parties participate in a one-day mediation before a private mediator;
2. A deadline of 15 days from the Court's order for the parties to notify the Court of the time and location at which a private mediation is scheduled to occur;



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3. A deadline of 7 days from the conclusion of the mediation session for the parties to notify the Court about whether mediation resulted in a resolution of all disputes in the action; and
4. In the event mediation does not result in a resolution of all disputes in the action, a deadline of 7 days from the conclusion of the mediation session for the parties to jointly submit to the Court a new proposed case management schedule regarding the remaining deadlines for the litigation of this action, including the conclusion of all remaining discovery and a date upon which the parties shall notify the Court of their intention to move for summary judgment.

In the event mediation is unsuccessful, the parties anticipate they can conclude all discovery within 45 days from the submission of the new proposed case management schedule.

We thank the Court for its time and attention to this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Nicholas M. Reiter".

Nicholas M. Reiter

cc: All Counsel of Record (via ECF)

Request for open ended extension **DENIED**. The parties have previously requested, and the Court has granted, at least four extensions of the discovery deadlines, collectively extending the end of discovery by nearly five months. ECF Nos. 49, 55, 67, 71. Most recently, ten days ago, the parties requested an extension of the deadline to complete all discovery from September 29, 2023 to October 20, 2023 "for the limited purpose of conducting a non-party witness deposition" that had to be rescheduled. ECF No. 70. Defendants represented at the time that they did not anticipate requesting any further extension, nor did the parties mention any other outstanding depositions. *Id.* The Court granted the extension request, cautioning that "[t]he parties should not expect any further extension absent exceptional circumstances." ECF No. 71.

Under these circumstances, the parties have not shown sufficient reason to impose an open ended stay. The Court will **GRANT** an additional one month extension of discovery to permit the parties limited time to discuss resolution. If a referral to the Court-annexed mediation program would be helpful or more expeditious, the parties shall submit a joint letter requesting a referral. All discovery shall conclude on **November 20, 2023** and the post discovery pretrial conference shall be held on **December 14, 2023 at 3:00 p.m.**

Dated: September 18, 2023  
New York, New York

**SO ORDERED.**

A handwritten signature in blue ink, appearing to read "Jennifer L. Rochon".  
**JENNIFER L. ROCHON**  
United States District Judge